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U.S. DISTRICT COURT
DISTRICT OF UTAH

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.

Plaintiff/Counterclaim-
Defendant,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant/Counterclaim-
Plaintiff.

**DEFENDANT/COUNTERCLAIM
PLAINTIFF IBM'S EX PARTE MOTION
FOR LEAVE TO FILE OVERLENGTH
MEMORANDUM**

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

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Pursuant to DUCivR 7-1(e), Defendant/Counterclaim-Plaintiff International Business Machines Corporation (“IBM”) respectfully submits this Ex Parte Motion for Leave to File Overlength Memorandum, submitted in opposition to The SCO Group, Inc.’s (“SCO”) “Renewed” Motion to Compel, consisting of 14 pages of argument.

In addition to the current motion, SCO previously submitted two memoranda arguing the same issues they again present to the Court. SCO will have one additional opportunity to address these issues through a reply in support of its latest motion, bringing to the total number of opportunities SCO will have taken to address these issues to four. IBM seeks leave to submit only four pages in excess of the maximum allowed under the rules to address the issues raised by SCO. Because of the long discovery history in this case and the nature of the issues, good cause exists to permit IBM to file an overlength memorandum in opposition to SCO’s “Renewed” Motion to Compel.

DATED this 4th day of August, 2004.

SNELL & WILMER L.L.P.



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CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of August, 2004, a true and correct copy of the foregoing was hand delivered to the following:

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